IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMONS FOR JUDGMENT NO.166 OF 2007
WITH
SUMMARY SUIT NO.385 OF 2007

Pukhraj Premchand Jain ..Plaintiff.
Vs.
Vinod Sohanlal Jain & Anr. ..Defendants.

....

Ms. Kavita Shah for the Plaintiff.
None for the Defendants.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

8th June, 2007.

P.C. :

The Summary Suit under Order 37 of the Code of Civil Procedure is based on a Bill of Exchange drawn by the First Defendant and accepted by the Second Defendant. The Bill of Exchange dated 13th February, 2004 was in the total amount of Rs.1,25,000/-. The First Defendant against whom the Summons for Judgment has been taken out was served with the writ of summons and has entered appearance. However, there is no reply to the Summons for Judgment. Counsel appearing for the Plaintiff has tendered a compilation of the original documents on the basis of

which the claim in the suit has been duly proved. In any event the First Defendant having failed to enter appearance the Plaintiff will be entitled to a decree as prayed. Insofar as the Second Defendant is concerned the writ of summons has been served and an affidavit of service has been filed. The Second Defendant has failed to enter appearance or to advance any defence to the claim in the suit. The Suit shall accordingly stand decreed in terms as prayed, save and except for the modification that the Plaintiff will be entitled to interest on the principal sum at the rate of 9% per annum from the date of the suit until payment or realization.